

Court of Appeals, State of Michigan

ORDER

Allen & Allen Properties LLC v Jason Smith

Docket No. **357237**

LC No. **20-016562-CB**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the May 2, 2021 order appealed was not a final order as defined by MCR 7.202(6)(a)(i). The final order was entered on April 9, 2021. The presence or absence of the final order language from MCR 2.602(A)(3) does not control whether the order is a final order as defined in MCR 7.202(6)(a)(i). See *Botsford Continuing Care Corp v Intelistaf Healthcare Inc*, 292 Mich App 51, 61; 807 NW2d 354 (2011). The claim of appeal was not filed within 21 days of the April 9, 2021 order, and no motion for postjudgment relief was filed within the initial 21-day appeal period. MCR 7.204(A)(1)(a). Dismissal is without prejudice to the filing of a late appeal under MCR 7.205(A)(4), provided such a filing meets all requirements under the court rules and is not time-barred.





A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 25, 2021

Date


Chief Clerk